

SENATE BILL 526

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 5;  
Title 6; Title 7; Title 65 and Title 68, relative to  
electronically captured data.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 82, Part 1, is amended by  
adding the following language as a new section:

(a) A utility, utility district, utility service, or utility system operating under the  
authority of this chapter shall not sell, share, or disclose information generated, provided,  
or otherwise collected from an advanced metering system or meter information network,  
including, but not limited to, information used to calculate charges for service, historical  
load data, or any other customer information, to a third party unless the information is  
aggregated in such a way so as not to identify individual customers or properties.

(b)

(1) Any lawful resident of this state may file a complaint alleging a  
violation of this section first to the board of directors or similar board of the utility,  
utility district, utility service, or utility system. The complaint must, at a minimum,  
include the name of the individual filing the complaint and satisfactory evidence  
of a violation. The comptroller of the treasury shall provide guidance as to what  
constitutes satisfactory evidence of a violation on the comptroller's website.

(2) On receipt of a complaint, the board shall perform an investigation  
and determine if the complaint contains satisfactory evidence of a violation of this  
section. If the board finds a violation of this section, then the board shall seek to  
remedy the violation to the satisfaction of the complainant and notify the

comptroller of the actions taken by the board to remedy the violation. If the board does not find a violation of this section, then the board shall notify the complainant and the comptroller of the board's determination along with an explanation for the decision.

(3) If, after the conclusion of the investigation and decision made by the board pursuant to subdivision (b)(2), the complainant is still unsatisfied, then the complainant may petition the comptroller to review the investigation records and other materials prepared by the board, along with any additional evidence that the complainant wishes to supply to the comptroller. If the comptroller finds a violation of this section based on the materials presented to the comptroller pursuant to this subdivision (b)(3) and finds that the remedial action, if any, taken by the board is not sufficient, then the comptroller shall assess a civil penalty as provided in subsection (c).

(c) The comptroller has the authority to impose a civil penalty of one thousand dollars (\$1,000) for a violation of this section by a utility, utility district, utility service, or utility system. Each instance of information sold, shared, or disclosed in violation of this section constitutes a separate violation. The comptroller shall use all penalties collected pursuant to this section solely for the enforcement of this section.

SECTION 2. Tennessee Code Annotated, Title 65, Chapter 4, Part 1, is amended by adding the following language as a new section:

(a) A utility, utility service, or utility system operating under the authority of this title shall not sell, share, or disclose information generated, provided, or otherwise collected from an advanced metering system or meter information network, including, but not limited to, information used to calculate charges for service, historical load data, or any other customer information, to a third party unless the information is aggregated in such a way so as not to identify individual customers or properties.

(b)

(1) Any lawful resident of this state may file a complaint alleging a violation of this section first to the board of directors or similar board of the utility, utility service, or utility system. The complaint must, at a minimum, include the name of the individual filing the complaint and satisfactory evidence of a violation. The comptroller of the treasury shall provide guidance as to what constitutes satisfactory evidence of a violation on the comptroller's website.

(2) On receipt of a complaint, the board shall perform an investigation and determine if the complaint contains satisfactory evidence of a violation of this section. If the board finds a violation of this section, then the board shall seek to remedy the violation to the satisfaction of the complainant and notify the comptroller of the actions taken by the board to remedy the violation. If the board does not find a violation of this section, then the board shall notify the complainant and the comptroller of the board's determination along with an explanation for the decision.

(3) If, after the conclusion of the investigation and decision made by the board pursuant to subdivision (b)(2), the complainant is still unsatisfied, then the complainant may petition the comptroller to review the investigation records and other materials prepared by the board, along with any additional evidence that the complainant wishes to supply to the comptroller. If the comptroller finds a violation of this section based on the materials presented to the comptroller pursuant to this subdivision (b)(3) and finds that the remedial action, if any, taken by the board is not sufficient, then the comptroller shall assess a civil penalty as provided in subsection (c).

(c) The comptroller has the authority to impose a civil penalty of one thousand dollars (\$1,000) for a violation of this section by a utility, utility service, or utility system.

Each instance of information sold, shared, or disclosed in violation of this section constitutes a separate violation. The comptroller shall use all penalties collected pursuant to this section solely for the enforcement of this section.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to conduct occurring on or after the effective date of this act.